United Nations A/55/PV.96

General Assembly
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Official Records

96th plenary meeting
Friday, 16 March 2001, 3 p.m.
New York

President: Mr. Holkeri ..... (Finland)

The meeting was called to order at 3 p.m.

Agenda item 14 *(continued)*

Report of the International Atomic Energy Agency

Draft resolution (A/55/L.75)

The President: Members will recall that the debate on agenda item 14 was held at the Assembly's 52nd and 53rd plenary meetings, on 6 and 7 November 2000.

I call on the representative of Nigeria to introduce draft resolution A/55/L.75.

Mrs. Shodeinde (Nigeria): Nigeria appreciates the important and admirable role the International Atomic Energy Agency (IAEA) continues to play in promoting the peaceful uses of nuclear energy and in preventing the proliferation of nuclear weapons. We are also delighted at the achievements recorded by the Agency in the past, and we look forward to further collaborative action among Member States, and, indeed, the international community, towards strengthening the activities of the Agency in these areas. Let me assure the Assembly that Nigeria remains unequivocally committed to the ideals of the Agency and will continue to deploy its best efforts to rally all Member States towards the goal of the peaceful use of nuclear energy.

The simplified procedural draft resolution, as contained in document A/55/L.75, is an agreed text. The document has five preambular paragraphs and two operative paragraphs. Basically, it recognizes the importance of the work of the Agency and reaffirms its confidence in its role. The cooperation between the United Nations and the Agency is also recognized. I therefore have the honour of presenting the procedural draft resolution contained in draft resolution A/55/L.75.

It is my understanding that delegations are of the view that this year's procedural resolution should be seen as an exception and that in the future all delegations will renew their commitment to the activities of the Agency by adopting substantive resolutions on the Agency at the United Nations, which we have all grown used to and cherish. Consequently, this procedural resolution should be adopted without a vote.

The President: In the light of the statement just made by the representative of Nigeria, draft resolution A/55/L.25 and the amendments contained in documents A/55/L.26/Rev.1, A/55/L.27 and A/55/L.29 are no longer before the General Assembly.

We shall now proceed to consider draft resolution A/55/L.75.

I call on the representative of Egypt, who wishes to make a statement in explanation of vote before the voting.

May I remind delegations that the explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

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Mr. Bebars (Egypt) (*spoke in Arabic*): Egypt has always attached great importance to the highly important role of the International Atomic Energy Agency (IAEA) because of its responsibilities as one of the structures designed to put an end to nuclear proliferation and to provide safeguards. We also attach particular importance to the technical cooperation programmes of the IAEA and its programmes that promote the use of nuclear energy in many developing countries.

On the basis of these considerations, over the years Egypt has participated in the Agency's various areas of activity as a member of its Board of Governors. Egypt also participated in the various discussions under the agenda item on the report of the IAEA when it was considered in the General Assembly, as well as in the various debates on the preparation of the draft resolution. Our participation in these efforts in the General Assembly shows the importance that we attach to the IAEA's various fields of activity; it is also a testimony to our desire for the work of the IAEA to be reflected clearly and precisely in the draft resolution under this agenda item to be adopted by the General Assembly.

We have participated seriously, objectively and positively, on the basis of our convictions, in the discussions on the IAEA report during the current session, and we proposed an amendment to paragraph 5, which was reflected in A/55/L.26/Rev.1. The objective of that amendment was to clarify precisely the role of the Agency so as not to leave any room for doubt with regard to the IAEA safeguards. However, in order to ensure the success of the draft resolution and guarantee that the General Assembly adopted a draft resolution that truly reflected the role of the Agency, we decided to embark upon negotiations with the delegations that submitted the draft as well as with other delegations interested in this question. That enabled us to arrive at a compromise solution that reflected the interests of all.

It was our hope that those negotiations and consultations on the two outstanding items might lead to an agreement in the final analysis. The objective was the adoption of a draft resolution, such as those adopted in recent years, that truly demonstrated the interest of various delegations in the Agency's role. We are surprised, however, by the fact that the countries that supported the draft resolution decided not to put it forward so that a final decision could be taken, as has been the practice in recent years.

Our delegation therefore hopes that our decision to resort to a procedural draft resolution will prove to be an exception and will not become a pattern. In the future, draft resolutions should be adopted in such a way as to reflect the Agency's important role.

The President: We have heard the only speaker in explanation of position.

The Assembly will now turn to draft resolution A/55/L.75.

May I take it that the Assembly decides to adopt draft resolution A/55/L.75?

Draft resolution A/55/L.75 was adopted (resolution 55/244).

The President: I shall now call on those representatives who wish to speak in explanation of position on the resolution just adopted.

May I remind delegations that explanations of position are limited to 10 minutes and should be made by delegations from their seats.

Mr. Norström (Sweden): I have the honour to speak on behalf of the European Union (EU). The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries of Cyprus, Malta and Turkey, as well as the European Free Trade Association members of the European Economic Area, Iceland, Liechtenstein and Norway, align themselves with this statement.

The European Union wishes to reiterate its strong attachment to and support for the work of the International Atomic Energy Agency (IAEA). Consequently, we wish to stress that the fact that the European Union has agreed to a procedural resolution in no way detracts from its firm support for the work of the IAEA and for the relationship between the Agency and the United Nations. Given its appreciation of the work of the IAEA, the EU finds it most regrettable that this year it was not possible, despite many months of intensive consultations among interested delegations in Vienna and New York, to reach consensus on a substantive resolution on the report on the activities of the IAEA for 1999 — a resolution that the EU would have liked to co-sponsor. As a result, the General

Assembly has been precluded from supporting common statements on various activities of the Agency during 1999-2000 that are of major relevance to the aims and interests of the United Nations.

Finally, the European Union expresses its appreciation for the efforts of the Nigerian Chairman of the IAEA Board of Governors to facilitate agreement.

Mr. Metruck (United States of America): There was a time when the annual International Atomic Energy Agency (IAEA) draft resolution was dealt with by this body with predictable goodwill and consensus. This was the case for many years after the IAEA was created in 1957. Perhaps it was easier to address nuclear issues then, since many of the States pursuing nuclear programmes shared a collective optimism that nuclear power would meet the energy needs of the world far into the future. But the world has changed radically since then, and become more complex. The number of countries has grown; the number of viewpoints on many issues has diversified.

Our debate during the past several months on the resolution adopted today clearly illustrates the difficulties of finding common ground on issues that once seemed less complicated. Yet we share the collective responsibility for managing the challenges that confront our nations today, including the essential need to manage developments in the nuclear field safely and securely. No country is exempt from this responsibility. This is a challenge we cannot fail to meet. The stakes for our common prosperity and, perhaps, even our survival, are simply too great.

One of the most important means we have to best manage nuclear developments worldwide is the work of the International Atomic Energy Agency. The majority of States represented here today are also members of the IAEA, and derive a variety of benefits from their membership. Yet we should recall that all States here today benefit directly from the work of the IAEA. Most essential is the assurance provided by the IAEA, through its safeguards system, that in those States pursuing nuclear activities, such activities are not being diverted or misused to produce nuclear weapons.

Knowing where nuclear material is and how it is being used throughout our planet is critical knowledge for us all. Our collective security interests are served daily through the application of IAEA safeguards. Similarly, the IAEA's work in nuclear safety provides an assurance that nuclear activities are being conducted in a manner consistent with international guidelines and standards. It is widely acknowledged that a nuclear accident anywhere is a nuclear accident everywhere. Through its nuclear safety programme, the IAEA works to reduce the prospect of any nuclear accident, large or small. Its on-site safety reviews help States both pinpoint potential problems and implement effective remedies, thus helping to stop problems before they start. Our collective interest in ensuring that if nuclear technology is used, it is used safely, is served daily by the IAEA.

Based on the extensive debate that we have had over the resolution adopted today, it seems that, collectively, we have lost sight of the fundamental reason why we engage in this annual dialogue. For many years, our goal has been to recognize and reaffirm the work of the IAEA as critical to the interests of us all. Our safety, security and overall prosperity are served, and served well, by this international body. If we did not have the IAEA today, we would need to create it; but our recent deliberations clearly indicate that we almost certainly could not do so.

The IAEA is a unique institution. Yet it can remain effective only if it receives effective support from its members, including adequate staff and funding. Unfortunately, any outside observer witnessing our recent debate over the IAEA resolution would be hard pressed to identify efforts by participants in this debate to make clear their support for the IAEA. So now let us be clear. Let us take this opportunity to reaffirm our support for this critical institution that so capably serves our common good. Let us express our appreciation to the talented men and women in the IAEA secretariat who work so hard for us. And let us pledge that, in the future, our focus on the IAEA will emphasize our collective support for that organization, rather than dissolve into prolonged disagreements that only serve to divide us.

Ms. Moules (Australia): Australia would like to reconfirm its strong support for the work of the International Atomic Energy Agency (IAEA). We would emphasize that our agreement to a procedural resolution this year does not detract from our continuing support for the Agency's important work. We would like to register our regret that, as a sponsor of the original draft resolution on the report of the IAEA, it was not possible, after extensive negotiations,

to adopt a substantive resolution on the Agency's activities this year. We would like also to join others in thanking Nigeria, in its capacity as Chair of the IEAE Board of Governors, for all its efforts during the negotiation of this resolution.

Ms. Martinic (Argentina) (*spoke in Spanish*): Argentina supports, and actively participates in, the work and activities of the International Atomic Energy Agency. In this regard, we regret that it was not possible on this occasion to adopt a more substantive resolution, along the lines of the draft resolution contained in A/55/L.25, of which we were a sponsor.

Mr. Al-Humaimidi (Iraq) (*spoke in Arabic*): At the outset, the delegation of Iraq would like to express its great appreciation for the efforts made by the International Atomic Energy Agency (IAEA) to fully implement its mandate in accordance with its statute, to implement the safeguards system, to attain the noble objective of ridding humankind of the evils of nuclear weapons and to place science and technology at the service of humankind and use them for peaceful ends.

It has become an annual tradition in the General Assembly to adopt a substantive resolution containing references to the various activities carried out by the Agency during the period covered by its report. It is very unfortunate that the draft resolution submitted to us this year was of a procedural nature and contained no substantive references to the subjects and facts set out in the Agency's report. My delegation worked seriously and sincerely in the consultations to try to reach consensus on a substantive draft resolution that would take into account the concerns raised in the various documents of the IAEA.

The delegation of Iraq also proposed that a substantive draft resolution should contain wording expressing satisfaction with the resumption of IAEA activities in Iraq pursuant to Iraq's safeguards agreement with the Agency and in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). We also proposed that a reference be made to Iraq's cooperation with the Agency's team of experts that visited Iraq from 22 to 25 January 2000 to carry out a physical inventory verification of nuclear material in Iraq. Reference to that visit was made in the Director General's letter to the Security Council contained in document S/2000/300.

Our substantive draft resolution was also in line with the wording used in various United Nations documents. It also reflected the statement made by Agency's Director General to the forty-fourth regular session of the General Conference, in which he confirmed that

(spoke in English)

> "the Agency carried out an inspection in Iraq in January 2000 pursuant to Iraq's NPT safeguards agreement. With the cooperation of the Iraqi authorities, the inspectors were able to verify the presence of the nuclear material subject to safeguards ... which is still in Iraq."

(spoke in Arabic)

That statement by Director General El Baradei, describing the cooperation between Iraq and the IAEA with regard to the safeguards system, was conveyed to the United Nations in documents S/2000/300, dated 11 April 2000, and S/2000/983, dated 11 October 2000. We would also like to note that preambular paragraph (e) of resolution 27, which was adopted by the Agency's General Conference, quite clearly and specifically refers to Iraq's cooperation with the Agency in accordance with the safeguards system:

(spoke in English)

> "Iraq provided the necessary cooperation for the inspection team to perform its activities effectively and efficiently, pursuant to Iraq's safeguards agreement with the Agency in accordance with the Treaty on the Non-proliferation of Nuclear Weapons". (*GC(44)/RES/27*)

(spoke in Arabic)

We have previously pointed out all these references to Iraq's cooperation with the Agency. Unfortunately, none of those references were included in the draft resolution, and therefore no substantive draft resolution was produced. Although the Iraqi delegation very much desired a substantive draft resolution, it nevertheless demonstrated a great deal of flexibility in order to find language suitable to everyone. We even proposed that our draft could be withdrawn if consensus could be reached on a paragraph to replace one of the paragraphs of the resolution that has been adopted. All those attempts ended in failure.

In conclusion, and on the basis of what we have explained here, it seems quite clear that, as I have

already said, our delegation has shown a lot of flexibility in order to achieve a balanced substantive draft resolution.

My delegation would like to reiterate its readiness to cooperate with the IAEA with respect to the safeguards system. It calls for cooperation in order to avert any attempt to prevent the IAEA from attaining its lofty goals, so that the benefits of the Agency's work can be reaped and political objectives attained. If that does not happen, the IAEA's credibility could come into question.

Mr. Gosal (Canada) (*spoke in French*): Canada fully endorses the comments made by the European Union, which strongly supports the work of the International Atomic Energy Agency (IAEA). We believe that the Agency requires the full support of the General Assembly in carrying out its important functions.

(spoke in English)

It is unfortunate that negotiations for this year's resolution on the IAEA became unnecessarily complicated by factors largely extraneous to the work of the Agency. We believe that a substantive and concise technical resolution is necessary to effectively report on the activities of the IAEA and accurately reflect issues of major relevance within the mandate of the Agency.

Lastly, Canada would like to recognize the efforts of Nigeria, acting in its capacity as Chairman of the IAEA Board of Governors, and we express our appreciation for all of their efforts in this matter.

Mr. Mourão (Brazil): I should like to express my gratitude for the efforts and dedication of the Nigerian chairmanship of the International Atomic Energy Agency (IAEA) Board of Governors in the negotiation process on the resolution before us. Having been in the same position in the previous year, Brazil knows how hard it is to accommodate each delegation's concerns.

Since other delegations have taken the floor to comment on the resolution just adopted, Brazil also would like to briefly explain its position. We support this resolution. Nevertheless, like previous speakers, we regret that several months of negotiations were not enough to reach agreement on a draft that would better reflect the importance that Brazil and many other delegations attach to the substantive work of the IAEA.

It is indeed frustrating that because no consensus could be reached on a relatively few points, we could not formally express a number of understandings that are shared by all of us. Brazil hopes that the next time the General Assembly holds negotiations on this item, the same constructive spirit that prevailed in Vienna in the preparation of the draft will be exercised in New York, so that we can come to a swift and significant outcome.

Mr. Burkhard (New Zealand): New Zealand would like at the outset to join with other delegations in expressing our gratitude for the efforts of the Nigerian chairmanship of the International Atomic Energy Agency (IAEA) Board of Governors in trying to facilitate this resolution.

The IAEA is one of the pillars of the international security architecture. New Zealand attaches the highest importance to its vital contribution to nuclear non-proliferation and disarmament through its safeguards role. Its essential contribution to nuclear safety is also of great importance to us.

We are thus disappointed that, despite intensive negotiations here and in Vienna, it was not possible to reach consensus on a substantive resolution on the report of the Agency that would have more fully reflected its significant work.

New Zealand has been very pleased to co-sponsor such resolutions in the past, and we had very much hoped that we could have done so this year as well. It is our hope that again in future we will be able to agree on a more ambitious resolution reflecting the important activities of the Agency.

Mr. Miyamoto (Japan): Japan welcomes the fact that, for the first time since 1990, a resolution on the report of the International Atomic Energy Agency (IAEA) has been adopted by consensus in the General Assembly.

We would also like to join the European Union and others in reiterating our strong support for the work of the Agency. Japan sincerely expresses appreciation to all of the delegations that participated in the effort to reach consensus on a substantive IAEA resolution. Collectively, we explored all possibilities to reach a consensus.

We would also like to place on record the fact that all but a few remaining paragraphs in the draft substantive resolution enjoyed the agreement of every

Member State concerned. Therefore it is all the more disappointing that the General Assembly was unable to adopt a substantive resolution on the report of the IAEA which contained many important statements supporting the activities of the Agency.

Japan especially wishes to underscore the importance of the model additional protocol, which was mentioned in the agreed part of the draft substantive resolution. It is the hope of my delegation that the General Assembly will adopt a substantive resolution under this agenda item during its fifty-sixth session.

Finally, Japan expresses its profound appreciation to the Nigerian delegation for its efforts in coordinating the long and difficult process of negotiation under this agenda item.

Mr. Onishchenko (Ukraine): Ukraine would like to support the statement made by Sweden on behalf of the European Union. As a traditional co-sponsor of the draft resolution on the report of the International Atomic Energy Agency (IAEA), my delegation regrets that during the fifty-fifth session of the General Assembly it was not possible to reach consensus on a substantive resolution.

I should like also to thank the delegation of Nigeria for its patient and tireless efforts in the quest for a consensus.

My delegation supports this procedural resolution and remains committed to the Agency's goals.

The President: We have heard the last speaker in explanation of position.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 14?

It was so decided.

Agenda item 8 *(continued)*

Organization of work of the fifty-fifth regular session of the General Assembly, adoption of the agenda and allocation of items: request for the inclusion of an additional item

Note by the Secretary-General (A/55/239)

The President: The General Assembly will take up a request submitted by the Secretary-General in document A/55/239.

As indicated in document A/55/239, by its resolution 1329 (2000) of 30 November 2000, the Security Council decided, inter alia, to enlarge the membership of the Appeals Chambers of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda, and, to that end, decided to amend the statutes of both Tribunals.

In the same resolution, the Security Council also decided that two additional judges should be elected as soon as possible to serve as judges of the International Criminal Tribunal for Rwanda.

In this connection, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-fifth session of an additional item of an important and urgent character entitled "Election of judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

The Secretary-General further requests that the item be considered directly in plenary meeting.

Unless there is an objection, in view of the urgency of this request, I shall take it that the General Assembly agrees that the relevant provisions of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion of this item on the agenda, could be waived.

I hear no objection.

It was so decided.

The President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session an additional item entitled "Election of judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious

Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

It was so decided.

The President: May I further take it that the General Assembly also, on the proposal of the Secretary-General, wishes to consider this item directly in plenary meeting?

It was so decided.

The meeting rose at 3.45 p.m.